

HOUSE BILL 3603

By Sontany

AN ACT to amend Tennessee Code Annotated, Title 68,
Chapter 1, relative to certain disclosures relating
to medical schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, Part 1, is amended by
adding the following as a new section:

68-1-1__.

(a)

(1) Annually, on or before January 1 of each year, every institution of higher education with a medical school in this state shall disclose to the commissioner of health the value, nature and purpose of any contractual relationship or any gift, fee, payment, subsidy or other economic benefit made by any pharmaceutical manufacturing company, medical equipment company, or company dealing orthotic and prosthetic devices to the medical school, any member of the medical school faculty in this state, any administrator of the medical school in this state, or to the immediate family of such faculty member or administrator. Faculty members and administrators shall be required to report to the institution any such relationship, gift, fee or other such benefit which the faculty member or administrator has received. Disclosure by faculty members and administrators and by the institution shall be made in a manner and on a form prescribed by the commissioner. Initial disclosure shall be made on or before January 1, 2010, for the twelve-month period ending June 30, 2009. The commissioner shall report annually on the disclosures made under this section to

the general assembly on or before February 15. All disclosures shall be made under penalty of perjury.

(2) Each institution of higher education subject to this section shall also disclose to the commissioner, on or before October 1, 2008, and annually thereafter, the name and address of the individual responsible for the institution's compliance with this section.

(3) The commissioner of health and reporter shall keep confidential all trade secret information, as defined by § 47-25-1702. The disclosure form prescribed by the commissioner shall permit the institution of higher education to identify any information that is a trade secret.

(4) Free samples of prescription drugs intended to be distributed to patients shall be exempt from disclosure.

(b) On request by the commissioner of health, the attorney general and reporter shall bring an action in the chancery court of Davidson County for injunctive relief, costs, and attorneys' fees against persons or institutions who fail to comply with subsection (a).

(c) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with title 4, chapter 5.

(d) As used in this section, unless the context otherwise requires:

(1) "Medical equipment" means "home medical equipment" as defined in § 68-11-201;

(2) " Orthotic and prosthetic device" means any device whose use requires an order from a licensed health care provider to a licensed orthotist, prosthetist or pedorthist pursuant to § 63-3-206; and

(3) "Pharmaceutical manufacturing company" means any entity that is engaged in the production, preparation, propagation, compounding, conversion, or processing of prescription drugs, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or any entity engaged in the packaging, repackaging, labeling, relabeling, or distribution of prescription drugs. The term does not include a wholesale drug distributor or a pharmacist licensed under title 63, chapter 10.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.